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FILED

OCT 20 1994

SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

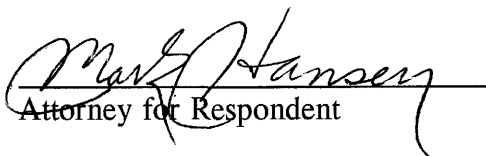
IN THE MATTER OF THE REQUEST)
FOR AGENCY ACTION BY PETITIONERS)
NORTH EMERY WATER USERS)
ASSOCIATION, HUNTINGTON-CLEVELAND)
IRRIGATION COMPANY, and CASTLE)
VALLEY SPECIAL SERVICES DISTRICT)

MOTION TO EXCLUDE EVIDENCE
ON GROUNDS OF COLLATERAL
ESTOPPEL

Docket No. 94-027
Cause No. ACT/015/025-93B

C.W. Mining Company d/b/a Co-op Mining Company (Co-op) moves the Board for an Order barring Petitioners from offering evidence or argument, or otherwise relitigating the issue whether Co-op's mining activities before March of 1991 had any adverse impact on Birch Spring or Big Bear Spring. This Motion is based on the grounds that the issue is barred by collateral estoppel, and is further supported by the accompanying Memorandum and the DOGM record on Co-op's last permit renewal application.

DATED this 19 day of October, 1994.


Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing a copy thereof, properly addressed, with postage prepaid, to:

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Castle Valley Special Service District

Dated at Salt Lake City, Utah this 19 day of October, 1994.

A handwritten signature in cursive script, appearing to read "Mark J. Hansey", is written over a horizontal line.

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